

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or cancelled.

Claim 2 is currently being amended

This amendment and reply amends a claim in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 7-9 and 19-23 are pending in this application for examination on the merits, whereby claims 4-6 and 10-18 are withdrawn from consideration.

Non-Rejection of Claims 21-26:

Applicant notes with appreciation that claims 21-26 are not rejected over any art of record. Accordingly, claims 21-26 are believed to be in condition for allowance.

Claim Rejections – Indefiniteness:

In the Office Action, claim 2 was rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, for the reasons set forth on page 2 of the Office Action. Claim 2 has been amended to address the “indefiniteness” issues raised on page 2 of the Office Action, whereby presently pending claim 2 is believed to fully comply with 35 U.S.C. § 112, 2nd paragraph.

Claim Rejections – Prior Art:

In the Office Action, claims 1-3, 7, 9, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese laid open patent application JP 11142520 to Arita et al. (in view of English translation); and claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Arita et al. in view of U.S. Patent Publication No. 2002/0091479 to Maruko et al. and U.S. Patent Publication No. 2001/0016798 to Kodaka et al. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Arita et al. (which also has a counterpart U.S. Patent No. 6,122,040) describes a system and method of detecting deviation of an axis of a range finder and adjusting the axis of the range finder. To do this, Arita et al. describes a method in which a center of the detection area is adjusted by the range finder at an appropriate position for adjusting the axis of the range finder incorporated into a vehicle which has radio waves that are irradiated onto a predetermined detection area in front of the vehicle in a scanning manner, and in which detection data including positional information of an object to be detected which is located in the detection area is judged and outputted according to the radio waves reflected on the object to be detected. Arita et al. also discloses a step of obtaining plural pieces of detection data of a preceding vehicle which is running on the same straight line, a step of processing the plural pieces of detection data of the preceding vehicle statistically, a step of judging the appropriate position as the average center of the preceding vehicle, and a step of changing a parameter of the detection area of the range finder so that the center of the detection area coincides with the appropriate position.

In Arita et al. any post-processing that is performed after the deviation of the optical axis of the range finder from the appropriate position is adjusted is not disclosed. In addition, the parameter of the detection area of the range finder is changed so that the center of the detection area of a preceding vehicle is made to coincide with the appropriate position (corresponding to the average center of the preceding vehicle).

On the other hand, as recited in independent claims 1, 19 and 20, when an impulse such that the detection range of a vehicular forward substance detecting section is varied has been applied to a vehicular forward detecting section, vehicular traveling control is inhibited by a traveling control inhibiting section/means/step. None of these features is disclosed or suggested by Arita et al., which does not disclose or suggest any such traveling control inhibiting section/means/step that inhibits traveling control of a vehicle under the specific circumstances recited in these claims. In particular, Figure 2 and paragraphs 0009, 0010, 0028, 0035, 0039, 0045, 0065, 0066 and 0067 of Arita et al. deal with adjusting a center of a detection area of a range finder, and are not relevant to inhibiting travel control under the specific circumstances recited in claims 1, 19 and 20.

Accordingly, independent claims 1, 19 and 20 are not anticipated by Arita et al.

Still further, with respect to the rejection of dependent claim 8, that claim recites that an impulse detecting section detects an impulse when the result of determination that it is not

possible to avoid a collision of a vehicle against a forward substance through a vehicular brake system nor a driver's vehicular steering. While Step S109 in Figure 14 of Murako shows that a check is made to determine whether a variation ($V_f - V_{f_{old}}$) of a current velocity V_f at a current control cycle from a previous velocity $V_{f_{old}}$ calculated one cycle before is less than a predetermined threshold value ΔV_α , this does not correspond to the specific features recited in claim 8 which deals with things that occur upon detecting an impulse.

Accordingly, since neither Kodaka nor Arita et al. makes up for the above-mentioned deficiencies of Murako, dependent claim 8 is patentable over the cited art of record for these additional reasons, beyond the reasons given above for its base claim.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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